5

cf 100/c

IN THE HIGH COURT OF JUDICATURE OF CHHATTISGARH AT BILASPUR.

W.P.No.= 1867 /2002

PETITIONER : Balweer Singh s/o Bisanlal Dhurve, (Belonging to Scheduled Tribe), Assistant Engineer holding post of Sub-Divisional Officer (Rural and Engineering Services), R.E.S. Baloda Bazar and residence at Baloda Bazar, District Raipur (C.G.)

P.R. No. 1803/02
Presented by Shri S.P. Kesari
dated 8.9.02

VERSUS

RESPONDENTS :

1. The State of Chhattisgarh through Collector Raipur (District Raipur) (C.G.)
2. The Secretary, Ministry of Panchayat and RuralDevelopment Office at Dau Kalyan Singh Bhawan Raipur, District Raipur (C.G.)
3. The Superintendent Engineer, Gramin Yantriki Sewa Mandal at Raipur, District Raipur.
4. The Executive Engineer, Rural Engineering Services Divisional Raipur, District Raipur
5. The Engineer-in-Chief, Water Resources Department, Raipur District Raipur (C.G.)
6. Kamal Sharma s/o A.R.Sharma, Sub-Engineer, resident of and Post Office at Bilaigarh Tehsil Bilaigarh District - Raipur (C.G.)

8/02/19/2

PETITION UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA FOR ISSUE OF WRIT IN THE NATURE OF MANDAMUS, PROHIBITION, ~~KRW~~ CERCIORARY ETC. OR ANY APPROPRIATE WRIT, DIRECTION OR ORDER.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP 1867/02 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

03.10.2006

Shri Shri C.R. Sahu and Shri Santosh Sahu, Counsel for the petitioner.

Shri Satish Gupta, Dy. Govt. Advocate for the State/respondents No.1 to 5.

None for respondent No.6.

Arguments heard.

Order dictated as follows:

ORAL ORDER
(03.10.2006)

The petitioner who was working as a Sub-Divisional Officer, Rural Engineering Services (R.E.S.), Baloda – Bazar has challenged the validity of the order dated 26/6/2002 contained in Annexure P-1, by which, his services have been repatriated to his parent department i.e. Water Resources Department with immediate effect. Treating this order as a transfer order, the petitioner has filed this petition for quashing of the same on various grounds.

A reply in form of preliminary objection has been filed on behalf of respondents No.1 to 5. It has been stated in para 2 of the reply that as an effect of the aforesaid repatriation order, the petitioner has joined in the office of the concerned Engineer-in-Chief and thereafter, on his choice, he has been allocated to the State of Madhya Pradesh and he has been relieved for joining in the State of Madhya Pradesh in the office of Sub Divisional Officer, Kolar Project, Sub Division No.15, Rahati, District – Sehore, on

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ....WP-1867/02 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश 2	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

8/11/2002. A copy of the memo containing all these facts has been filed as Annexure R-1.

The submission of the State Counsel is that in view of the final allocation of the petitioner to the State of Madhya Pradesh and subsequently on relieving the petitioner for joining in the State of Madhya Pradesh, this petition for quashing of the order Annexure P-1 has become infructuouis.

This factual position is not disputed by learned counsel for the petitioner and they also agree that in fact, the petition has become infructuous on account of final allocation of the petitioner to the State of Madhya Pradesh.

In the result, there is no necessity of proceeding further with the petition.

The petition is finally disposed of, being infructuous.

Sd/-
Sunil Kumar Sinha
Judge

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